

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA
Plaintiff,
and
NATURAL RESOURCES DEFENSE
COUNCIL, INC. and SIERRA CLUB
Plaintiff-Intervenors,
v.
DTE ENERGY COMPANY, and
DETROIT EDISON COMPANY
Defendants.

Stipulation Adding Plaintiff-Intervenors as Parties to the Protective Order

DTE Energy Co. and Detroit Edison Co. (collectively “Defendants”); the United States of America (“Plaintiff”); and Natural Resources Defense Council, Inc. (“NRDC”) and Sierra Club (“Plaintiff-Intervenors”) agree and stipulate as follows:

(1) Plaintiff and Defendants previously submitted a “Stipulated Protective Order Regarding Confidential Information and Documents” (“Protective Order”), entered in this case as Document #39 on 10/6/2010.

(2) Sierra Club and NRDC became Plaintiff-Intervenors to this case pursuant to an “Order Granting Natural Resources Defense Council and Sierra Club’s Motion to Intervene,” entered as Document 64 on 11/23/10.

(3) By entry of this stipulation and the attachment hereto (Attachment 1), Plaintiff, Defendants, and Plaintiff-Intervenors agree that by signing Exhibit A to the Protective Order (Document #39), Sierra Club and NRDC become "Parties" to the Protective Order as that term is defined in Paragraph 1 of the Protective Order.

Plaintiff, Defendants, and Plaintiff-Intervenors, by and through their counsel, SO
STIPULATE.

FOR PLAINTIFF-INTERVENORS:

_____/s/_____
Holly Bressett
Project Attorney
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5646
Fax: (415) 977-5793
Email: Holly.Bressett@sierraclub.org

FOR PLAINTIFF:

_____/s/_____
Thomas Benson
U.S. Department of Justice
Environmental and Natural Resource Division
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
202-514-5261
Email: Thomas.Benson@usdoj.gov

FOR DEFENANTS:

_____/s/_____
Mark B. Bierbower
Hunton & Williams LLP
1900 K Street, N.W.
Washington, DC 20006
Phone: (202) 955-1665
Cell: (202) 255-6288
Fax: (202) 828-3784
mbierbower@hunton.com

Attachment 1

Signature Pages for Sierra Club and NRDC Counsel

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DTE ENERGY COMPANY and
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

CONFIDENTIALITY AGREEMENT PURSUANT TO PROTECTIVE ORDER

The undersigned, Shannon Fisk, hereby acknowledges that I have received a copy of the Protective Order Regarding Confidential Information and Documents entered or to be entered in this Action, to which this Agreement was attached as Exhibit A, have read it, and agree to be bound to the terms of the Protective Order to the extent allowed by law, and any amendments thereto as if fully set forth herein, including, without limitation, that I shall not use Confidential Information or any copy, excerpt, or summary thereof, or the information contained therein, for any purpose not permitted by the Protective Order; that I shall return to Counsel supplying me with said Confidential Information, at the earlier of the end of my involvement or the conclusion of this Action, including any appeals therein, all copies of such Confidential Information that has been provided to me, including all notes, abstracts, summaries and excerpts prepared from Confidential Information that have not otherwise been destroyed by me and certify to such Counsel that all Confidential Information in my possession has been returned to such Counsel or destroyed; that I shall not make any copies of Confidential Information for any purpose not permitted by the Protective Order; and, that I shall not provide Confidential Information to anyone else who has not executed this Agreement or who, pursuant to paragraph 6 of the Protective Order is not entitled to receive Confidential Information without executing this Agreement. I further understand that I shall remain bound by the Protective Order after the conclusion of this Action unless otherwise ordered by the Court or a court of competent jurisdiction. I understand that violation of this Protective Order may constitute contempt of an Order of the Court.

Dated: 12/1/10

Signature: [Signature]

Name: Shannon Fisk

Address: NRDC
2 N. Riverside Plaza, Suite 2250
Chicago, IL 60606

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EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DTE ENERGY COMPANY and
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

CONFIDENTIALITY AGREEMENT PURSUANT TO PROTECTIVE ORDER

The undersigned, Nick Schroeck, hereby acknowledges that I have received a copy of the Protective Order Regarding Confidential Information and Documents entered or to be entered in this Action, to which this Agreement was attached as Exhibit A, have read it, and agree to be bound to the terms of the Protective Order to the extent allowed by law, and any amendments thereto as if fully set forth herein, including, without limitation, that I shall not use Confidential Information or any copy, excerpt, or summary thereof, or the information contained therein, for any purpose not permitted by the Protective Order; that I shall return to Counsel supplying me with said Confidential Information, at the earlier of the end of my involvement or the conclusion of this Action, including any appeals therein, all copies of such Confidential Information that has been provided to me, including all notes, abstracts, summaries and excerpts prepared from Confidential Information that have not otherwise been destroyed by me and certify to such Counsel that all Confidential Information in my possession has been returned to such Counsel or destroyed; that I shall not make any copies of Confidential Information for any purpose not permitted by the Protective Order; and, that I shall not provide Confidential Information to anyone else who has not executed this Agreement or who, pursuant to paragraph 6 of the Protective Order is not entitled to receive Confidential Information without executing this Agreement. I further understand that I shall remain bound by the Protective Order after the conclusion of this Action unless otherwise ordered by the Court or a court of competent jurisdiction. I understand that violation of this Protective Order may constitute contempt of an Order of the Court.

Dated: 12/6/10

Signature: [Signature]

Name: Nick Schroeck

Address: 440 Burroughs St.

Box 70

Detroit, MI 48202

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EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DTE ENERGY COMPANY and
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

CONFIDENTIALITY AGREEMENT PURSUANT TO PROTECTIVE ORDER

The undersigned, Holly Bressett, hereby acknowledges that I have received a copy of the Protective Order Regarding Confidential Information and Documents entered or to be entered in this Action, to which this Agreement was attached as Exhibit A, have read it, and agree to be bound to the terms of the Protective Order to the extent allowed by law, and any amendments thereto as if fully set forth herein, including, without limitation, that I shall not use Confidential Information or any copy, excerpt, or summary thereof, or the information contained therein, for any purpose not permitted by the Protective Order; that I shall return to Counsel supplying me with said Confidential Information, at the earlier of the end of my involvement or the conclusion of this Action, including any appeals therein, all copies of such Confidential Information that has been provided to me, including all notes, abstracts, summaries and excerpts prepared from Confidential Information that have not otherwise been destroyed by me and certify to such Counsel that all Confidential Information in my possession has been returned to such Counsel or destroyed; that I shall not make any copies of Confidential Information for any purpose not permitted by the Protective Order; and, that I shall not provide Confidential Information to anyone else who has not executed this Agreement or who, pursuant to paragraph 6 of the Protective Order is not entitled to receive Confidential Information without executing this Agreement. I further understand that I shall remain bound by the Protective Order after the conclusion of this Action unless otherwise ordered by the Court or a court of competent jurisdiction. I understand that violation of this Protective Order may constitute contempt of an Order of the Court.

Dated: 12/14/10

Signature: Holly Bressett
Name: Holly Bressett
Address: Sierra Club
85 Second St. 2nd fl.
San Francisco, CA
94105

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Stipulation Adding Plaintiff-Intervenors as Parties to the Protective Order** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to attorneys of record.

DATED: January 6, 2011

s/James Giampietro
James Giampietro
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5638
james.giampietro@sierraclub.org